

HIGH COURT OF GUJARAT AT AHMEDABAD

MISC. CIVIL APPLICATION NO.152 OF 1990

Date of decision: 7.11.1995.

For approval and signature

The Honourable Mr. Justice S.M.Soni

and

Honourable Mr. Justice R.R.Jain

Mr. A.G. Vyas, advocate for the petitioner.

Mr. B.P. Tanna, advocate for the respondents.

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram:S.M.Soni & R.R.Jain,JJ.

-----

November 7, 1995.

Oral judgment (Per Soni, J.)

Learned advocates for the parties are absent.

This application is filed by by petitioner (original petitioner in S.C.A.No.8314/88) on the allegation that though this court directed the respondents to consider the representation for repatriation of the petitioner, the same has not been considered till date. According to the petitioner, respondents have, therefore, not complied with the order passed by this court and the same is not complied with wilfully.

The petitioner has made representation for repatriation on 11.4.1989 (page 10 - Annexure C). The petitioner has also annexed one show cause notice served upon him by the department. It transpires from that notice that the petitioner is in the department where he was initially appointed and the question of repatriation, therefore, does not arise. There are certain other allegations of misconduct with which this court is not concerned at this stage.

When the representation made by the petitioner for repatriation is considered and when the department has found that he is not required to be repatriated, there is no question of not considering his representation. In view of this fact, the respondents have considered the representation as per the order of this court. There is, thus, no question of any non-compliance of the direction by this court much less wilfully.

In view of this fact, it cannot be said that there is any act to constitute contempt of the court is committed by the respondents. Hence, petition is liable to be dismissed and is hereby dismissed.

Rule discharged. No order as to costs.